

REMARKS

Presently, Claims 1-28 are currently pending in this application. Claims 12-14 and 22-28 have been cancelled. Consideration of claims 1-11 and 15-21 is respectfully requested.

The Rejection of Claims 1- 6 and 15-17 under 35 U.S.C. § 102(b)

Claims 1- 6 and 15-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Krippelz US patent No. 5,410,934 ("Krippelz"). The Office Action sets forth the position that Krippelz teaches a "a bandsaw with guide heads comprising all the elements claimed including, inter alia, a frame (e.g.22); a worktable (e.g. 36); a bandsaw blade (e.g. 28a, b); a first blade tensioning device (38); and rotational bearing (e.g. 80, 104)." The Office Action relies on the whole patent and specifically Figures 11-13 for support of their position.

As set forth in greater detail below, Applicant respectfully disagrees because Krippelz fails to teach or suggest *every* element of Claim 1, as required under 35 U.S.C. § 102(b).

It is a well-settled axiom of patent law that in order to anticipate a claim under 35 U.S.C. § 102, a reference must teach each and every element of the claim. A claim is anticipated only if each and every element, as set forth in the claim, is found either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of Calif.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Thus, in order for a rejection to be proper under 35 U.S.C. § 102(b), the reference or references must teach each and every claim element. Applicant respectfully notes that Krippelz fails to teach every claim element of Claim 1.

Applicant respectfully submits that the Krippelz fails to teach or suggest "...a first blade tensioning device including a base movably supported by the frame and a rotational bearing rotatably mounted on the base...." The base being "...movably supported by the frame..." is important as it is the only way that the first blade tensioning device may impart the desired "offset" to the blade (pg. 9, lines 3-18; FIGS. 7). This ability to achieve and control a desired offset has been found to "increase the quality of the cut and to provide a straighter cut while

decreasing the amount of dust generated in the cutting process compared to conventional methods.” (Abstract) To the contrary, Krippelz does not have any structure that is capable of providing an offset to the blade. The device of Krippelz is rigidly fixed and not capable of movement, or otherwise offsetting the blade a distance orthogonal to the cutting edge. Rather Krippelz is only concerned with twisting the blade within a fixed position, i.e. no offset (FIGS 1, 11, and 13). As Krippelz fails to teach, disclose or even suggest this limitation, by definition Krippelz does not anticipate the present invention. As such, Applicant respectfully requests removal of this ground of rejection.

With respect to claims 2-6, they are dependent from claim 1 and are therefore allowable for the same reasons that make claim 1 allowable. Applicant hereby respectfully requests removal of this ground of rejection as well.

With respect to claim 15, Applicant respectfully submits that the Krippelz fails to teach or suggest “...imparting a biasing force against the bandsaw blade in a direction orthogonal to the cutting edge such that the bandsaw blade is moved an offset distance without twisting the bandsaw blade.....” As discussed above, the offset may only be achieved if the tensioning device is movable relative to the frame and the blade. To the contrary, Krippelz does not have any structure that is capable of providing an offset to the blade. The device of Krippelz is rigidly fixed and not capable of movement, or otherwise offsetting the blade a distance orthogonal to the cutting edge. Krippelz is only concerned with twisting the blade within a fixed position and provides no mention of offsetting the bandsaw blade (FIGS 1, 11, and 13). As Krippelz fails to teach, disclose or even suggest this limitation, by definition Krippelz does not anticipate the present invention. As such, Applicant respectfully requests removal of this ground of rejection.

With respect to 16 and 17, these claims are dependent from claim 15 are therefore allowable for the same reasons that make claim 15 allowable.

The Rejection of Claims 7-14 and 18-28 under 35 U.S.C. § 103(a)

Claims 7-14 and 18-28 are currently rejected under 35 U.S.C. § 103(a) as being unpatentable over Krippelz in view of Yoneda et al. US patent No. 6,439,094 ("Yoneda"). Applicant respectfully traverses this ground of rejection.

With respect to claims 7-14, at the very least, these claims are dependent from independent claim 1, and therefore are allowable for the same reasons that make claim 1 allowable.

Further, the deficiencies of Krippelz as a reference against the present invention are discussed above in detail and incorporated herein by reference. Yoneda fails to remedy the deficiencies of Krippelz as at a minimum Krippelz in view of Yoneda fails to teach, disclose or suggest, either alone or in combination, suggest "...a first blade tensioning device including a base movably supported by the frame and a rotational bearing rotatably mounted on the base...." As the cited references, alone or in combination, fail to teach or suggest all of the claim elements, the Office's burden of proving obviousness is not met. Applicant respectfully requests removal of this ground of rejection.

With respect to claims 18-21, these claims are dependent from independent claim 15, and therefore are allowable for the same reasons that make claim 15 allowable.

Further, the deficiencies of Krippelz as a reference against the present invention are discussed above in detail and incorporated herein by reference. Yoneda fails to remedy the deficiencies of Krippelz as at a minimum Krippelz in view of Yoneda fails to teach, disclose or suggest, either alone or in combination, suggest "...imparting a biasing force against the bandsaw blade in a direction orthogonal to the cutting edge such that the bandsaw blade is moved an offset distance without twisting the bandsaw blade...." As the cited references, alone or in combination, fail to teach or suggest all of the claim elements, this rejection can not be maintained. Applicant respectfully requests removal of this ground of rejection.

With respect to claims 22-28, these claims have been cancelled. As such, their continued rejection is moot.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that claims 1-11 and 15-21 are in condition for allowance. If the Office has any further questions or comments that may expeditiously result in a notice of allowance, the Office is invited to contact the Applicant's attorney at the number provided below.

RESPECTFULLY SUBMITTED,

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